

SERVED: June 13, 2007

NTSB Order No. EA-5295

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 13th day of June, 2007

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-17699
v.)	
)	
ANTHONY AMBROSE,)	
)	
Respondent.)	
_____)	

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the appeal that respondent has filed in this proceeding, because respondent did not perfect his appeal by filing a timely appeal brief, as Section 821.48(a) of the Board's Rules of Practice requires (49 C.F.R. Part 821).¹ The Administrator's motion, to which

¹ Section 821.48(a) provides as follows:

§ 821.48(a) **Briefs and oral argument.**

(a) Appeal brief....each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.

respondent filed no responsive pleading, is granted. The Administrator revoked any and all private pilot certificates held by respondent for violation of section 61.15(a) of the Federal Aviation Regulations. The law judge granted the Administrator's motion for summary judgment.

The record establishes that respondent filed a timely notice of appeal from the law judge's February 21, 2007 order denying respondent's request for reconsideration. Respondent, however, did not file an appeal brief by March 23, which was the deadline established by the application of § 821.48(a); instead, respondent submitted his appeal brief on March 31. Respondent's appeal brief provides no showing of good cause for this delay.

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely request for an extension of time, the Board will dismiss the appeal. Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Gary L. Halbert
General Counsel